

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**ALEX HUAQIANG LEO,**

**Plaintiff,**

**v.**

**GARMIN INTERNATIONAL, Inc.,**

**Defendant.**

**CIVIL ACTION**

**No. 09-cv-2139-KHV**

**ORDER**

This matter is before the Court on the mandate of the Tenth Circuit Court of Appeals for a determination of the reasonable attorney's fees incurred by defendant in opposing one of plaintiff's appeals in this case. See Doc. #299 (appeal mandate in appellate case No. 11-3321). After determining that plaintiff's appeal was frivolous, the Tenth Circuit sanctioned plaintiff by awarding defendant reasonable appellate attorney's fees and remanding the case to this Court to determine the amount of those fees.

This Court referred the matter to United States Magistrate Judge James P. O'Hara for a report and recommendation as to the amount of attorney's fees. See Doc. #304 filed May 14, 2012. On June 18, 2012, Judge O'Hara recommended that the Court award defendant reasonable attorney's fees in the amount of \$12,710.90. See Report And Recommendation (Doc #312). This matter comes before the Court on Plaintiff's Objection To Magistrate Judge's Report And Recommendation (Doc. #313) filed June 27, 2012. Plaintiff does not challenge the amount of attorney's fees sought, but instead presents further frivolous arguments challenging the Court's disposition of the merits of the case.

The Court has conducted a de novo review of Judge O'Hara's well-reasoned report and recommendation. In determining the reasonable attorney's fees, Judge O'Hara determined the

“lodestar” figure by multiplying the hours counsel reasonably spent on the litigation by a reasonable hourly rate. He then determined that the lodestar amount constituted the reasonable attorney’s fees. After reviewing the report and recommendation and the parties’ submissions, the Court finds that it should be adopted in full.

**IT IS THEREFORE ORDERED** that the Report And Recommendation (Doc. # 312) filed June 18, 2012 be and hereby is adopted in full.

**IT IS FURTHER ORDERED** that **no later than September 11, 2012**, plaintiff shall pay defendant attorney’s fees in the amount of **\$12,710.90** as a sanction for filing a frivolous appeal.

**IT IS FURTHER ORDERED** that Plaintiff’s Objection To Magistrate Judge’s Report And Recommendation (Doc. #313) filed June 27, 2012 be and hereby is **OVERRULED**.

Dated this 9th day of August, 2012 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge